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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,867	10/29/2001	Daniel Rosen	83616DMW	1108
7590	10/16/2003			EXAMINER ESPLIN, DAVID B
Thomas H. Close Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			ART UNIT 2851	PAPER NUMBER
DATE MAILED: 10/16/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/045,867	ROSEN, DANIEL
Examiner	Art Unit	
D. Ben Esplin	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Office Action Summary

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 August 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

sposition of Claims

4) Claim(s) 1-10 and 18-29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 and 18-29 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . 6) Other: ____ .

DETAILED ACTION

Claim Objections

Claims 22-27 are objected to because of the following informalities: Claim 22 refers to “the motion picture film” without an appropriate antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 and 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term visual “looks” is not defined with any clarity within the specification. Since this phrase is not specifically defined, it creates ambiguity within the claim as to the scope of the claimed invention. For examination purposes, it has been assumed that any changes to the imagery files will meet this limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-10, 18, 19, 22, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by “Digital Film Mastering” by Huther et al.

FIG. 3 of Huther shows a system including an optical scanner (film scanner) for scanning a motion picture film (film reels) and generating a digital data file (film data), a system component (postproduction and mastering station) providing an interface to a plurality of processing files, located in the format converter shown in FIG. 8, capable of converting the digital data file into a corresponding plurality of imagery products (see page 863, column 1, lines 13-28), and a processor (format converter) for accessing a selected processing file to generate a particular imagery product. The processor is able to generate any of a plurality of particular imagery products without having to rescan the film (page 859, col. 2 last paragraph – col. 3 paragraph 3), and being accessible over a network (WAN access). Also taught by Huther, is the use of a file format that would contain source data and data necessary for spatial resampling etc. (“header” see page 861 col. 3 first paragraph). The system of Huther further shows a storage device (data tape archive) for storing the digital data file. Further, the plurality of processing files includes files for producing different visual “looks” (secondary colour correction of FIGS. 7 and 8).

Referring specifically to claims 8, 9, 22 and 25-27, Huther discloses using a file format (DPX format), implemented according to SMPTE standard 268M-1994 (see FIG. 3). Further, the files of Huther, implemented in the file format, provide a full fidelity rendition of motion picture imagery from a motion picture film (cols. 1 and 2 of page 860), and a plurality of imagery products (see abstract). Therefore, the file format, as laid out in this claim, is not patentably distinct from the file format of Huther.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 20, 21, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huther.

Huther, applied as above, does not explicitly teach the step of specifically compressing the digital data file, but it does disclose that the transfer station, at which the digital data file arrives before it is archived, may be used to preprocess the data by way of format conversion (see page 861 col. 3 final paragraph – page 862 col. 1 first paragraph). Since one of the concerns of Huther about the system is minimizing the space needed for storage of the digital data files (page 863 col. 2 final paragraph), it would have been obvious to convert the digital data into well

known compressed format, such as JPEG-2000 lossless wavelet compression, as an art recognized method of minimizing requisite storage space.

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huther as applied to claims 1-5, 8-10, 18, 19, 22, and 25-27 above, and further in view of U.S. Patent No. 5,412,773 to Carlucci et al.

Although Huther is silent concerning many of the specifics of operation of the optical scanner, including calibration of the scanner, Carlucci teaches that calibration techniques including a density vs. log exposure response test (col. 5 lines 48-56) was a well known specific operation of an optical scanner. Therefore, it would have been obvious to calibrate the optical scanner in the system and method of Huther, with the calibration technique taught by Carlucci.

Response to Arguments

Applicant's arguments filed 8/18/03 have been fully considered but they are not persuasive.

The argument that Huther does not disclose a file format meeting the limitations of claims 8, 9, and 22-27 is not persuasive because Huther does call out the use of a file format (as is noted by Applicant) and performs all of the functionality of the claimed file format. So the file format of Huther meets the claimed limitations, because the format claimed has not been distinguished over the format of Huther in any structural or functional manner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Ben Esplin whose telephone number is (703) 305-4022. The examiner can normally be reached on Mon.-Fri. (8am-4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell E. Adams can be reached on (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


DBE



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